



NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS COUNCIL

December 19, 2012

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: WT Docket No. 02-55

Dear Ms. Dortch:

The National Public Safety Telecommunications Council (NPSTC) is a federation of public safety organizations whose mission is to improve public safety communications and interoperability through collaborative leadership. NPSTC pursues the role of resource and advocate for public safety organizations in the United States on matters relating to public safety telecommunications. Accordingly, NPSTC provides guidance on issues that can either negatively impact or benefit the operation of public safety communications.

NPSTC submits these ex parte comments in the above-captioned proceeding which seeks input on proposals for establishing and implementing the reconfigured 800 MHz channel plan along the U.S.-Mexico border.¹ The reconfigured bandplan was developed as part of an amended protocol agreement signed by the United States and Mexico on June 8, 2012 that modifies the international allocation of 800 MHz spectrum in the U.S.-Mexico border region.²

First, NPSTC wishes to thank those involved from the Commission, the U.S. Department of State and the National Telecommunications and Information Administration for pursuing and completing the revised 800 MHz band border-area protocol agreement with officials in Mexico. The revised protocol modifies the 800 MHz bandplan in the border area to provide a new NPSPAC band at 806-809/851-854 MHz that is generally consistent with the NPSPAC band in

¹ Fourth Further Notice of Proposed Rulemaking, WT Docket 02-55, released August 17, 2012.

² Protocol Between the Department of State of the United States of America and the Secretariat of Communications and Transportation of the United Mexican States Concerning the Allotment, Assignment and Use of the 806-824/851-869 MHz and 896-901/935-940 MHz Bands for Terrestrial Non-Broadcasting Radiocommunication Services Along the Common Border (June 8, 2012) (Amended Protocol).

American Association of State Highway and Transportation Officials | American Radio Relay League | Association of Fish and Wildlife Agencies | Association of Public Safety Communications Officials | Forestry Conservation Communications Association | International Association of Chiefs of Police | International Association of Emergency Managers | International Association of Fire Chiefs | International Municipal Signal Association | National Association of State Chief Information Officers | National Association of State Emergency Medical Services Officials | National Association of State Foresters | National Association of State Technology Directors | National Emergency Number Association | National Sheriffs' Association

the rest of the U.S. In addition, under the revised protocol the interleaved public safety channels in the border area will be located at 809-811.1125/854-856.1125 MHz. This block of spectrum comprises 85 public safety channels located immediately above the NPSPAC band. NPSTC congratulates the U.S. officials who achieved this bandplan as part of the negotiations with Mexico. As a result of the revised bandplan, 800 MHz band public safety licensees in the U.S./Mexican border area will need to transition their systems to be consistent with the new plan. A similar transition has been ongoing in the non-border areas of the U.S. over the last seven years.

In setting forth the NPRM to implement the revised border area protocol, the Commission proposed a 30 month transition timeline to begin 60 days after the effective date of an Order adopting the U.S./Mexican border channel plan. Overall, planning, negotiation and mediation would take about seven to eight months, leaving about 22-23 months to retune systems to their replacement channels.

Key elements of this proposed transition timeline can be summarized as follows:

- Within 60 days from the effective date of the Order, each licensee that intends to negotiate a Planning Funding Agreement (PFA) to reband must submit a Request for Planning Funding (RFPF) to Sprint
- The parties would have 30 days from submission of the RFPF to negotiate a PFA
- Licensees that have already negotiated PFAs but need to amend them would be required to submit a Change Notice and would have 30 days from amendment submission to negotiate a PFA Amendment
- If the parties are unable to negotiate a PFA or PFA Amendment within the 30 days provided, they must then participate in mediation for 20 days. Within 10 days of the end of that period, the mediator will refer any unresolved cases to the FCC for *de novo* review.

A proposed schedule is also provided for the cost estimate process. Once a PFA or amended PFA has been approved by the TA, the licensee must submit a cost estimate to Sprint within 90-110 days depending upon the number of mobiles in the system. After planning is complete and a cost estimate has been provided, the parties would have 30 days to negotiate a Frequency Relocation Agreement (FRA). If no agreement is reached within 30 days, the parties would have to participate in a 20-day mandatory mediation. Any cases still unresolved after mandatory mediation would be referred to the FCC for *de novo* review.

In studying this issue, NPSTC considered input from public safety licensees in the border area that would be directly affected by the rebanding and proposed timeline. For example, the City of San Diego described the extensive nature of its system, new engineering factors that need to be considered in light of the revised bandplan, the complexity of multiple retunes and significant effort expected to maintain interoperability among licensees in the region, as well as

actual experience with 800 MHz rebanding in other areas. The City concluded:

Within the San Diego region, any reprogramming effort in one network is a consideration for all regional networks and this impacts all regional programming decisions. With this in mind, the City believes that the proposed planning and negotiating timeframe is unrealistic. It contradicts the actual experience of the 800 MHz reconfiguration in other areas. The City suggests a period of at least 150 days.³

While supporting the bandplan, the City of Laredo, Texas which is in the U.S./Mexico border area also noted the need for additional time to implement the plan:

...given what one must assume are more complex challenges in terms of spectrum scarcity and economics found in the U.S. - Mexican Sharing Zone, the time frame for the southern border rebanding should be longer, not shorter than that proposed for the Northern Border. At a minimum, the Commission should provide no less than the actual time consumed for rebanding on the northern border, not the scheduled time.

The City agrees with the 800 MHz Border Area Licensees and the San Diego Sheriff that each stage of the process should be extended by no less than 40 days and more likely two months would be appropriate.⁴

NPSTC supports the recommendation that the proposed timeline be adjusted to more realistically match the time likely to be required. There is already a wealth of experience from multiple regions that indicates more time is often needed. Overall, 800 MHz rebanding is now 7 years into what was originally planned as a 3 year process. Further, NPSTC agrees that implementation in the U.S./Mexican border area will be complex as noted, given the many factors involved.

Respectfully submitted,



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³ Comments submitted by the City of San Diego, September 27, 2012, at page 4.

⁴ Reply Comments submitted by the City of Laredo, Texas, at page 3.